

Alan J. Thayer, Jr., OSB No. 853428  
INNOVATIVE LAW GROUP  
P.O. Box 1268  
Eugene, OR 97440  
(541) 345-2325  
alan@thinkilg.com

Jonathan T. Suder (pro hac vice)  
Glenn S. Orman (pro hac vice)  
Richard A. Wojcio, Jr. (pro hac vice)  
FRIEDMAN, SUDER & COOKE  
604 E. Fourth Street, Suite 200  
Fort Worth, TX 76102  
T: (817) 334-0400  
F: (817) 334-0401  
jts@fsclaw.com  
orman@fsclaw.com  
wojcio@fsclaw.com

ATTORNEYS FOR PLAINTIFF  
ADASA INC

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION

ADASA INC.,

Plaintiff,

v.

AVERY DENNISON CORPORATION,

Defendant.

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Case No.: 6:17-cv-01685-MK

**AMENDED DKT. 293-1 (Stipulated  
Facts) TO PROPOSED JOINT JURY  
INSTRUCTIONS**

**JURY TRIAL DEMANDED**

## **Exhibit A - Stipulated Facts**<sup>12</sup>

### **A. The Patent in Suit**

1. The '967 Patent was filed on February 12, 2016 and issued on October 24, 2017. The sole inventor of the '967 Patent is Clarke W. McAllister. ADASA is the sole assignee of the '967 Patent. ADASA is the owner of all right and title in the '967 Patent, including all rights to enforce and prosecute actions for infringement of the '967 Patent and to collect past, present, and future damages for all relevant times against infringers of the '967 Patent. Accordingly, ADASA possesses the exclusive right and standing to prosecute the present action for infringement of the '967 Patent by Avery Dennison.

2. The Court has determined that the priority date for the '967 Patent is May 21, 2008.<sup>3</sup>

### **B. Technology Background**

3. The '967 Patent relates to encoded and commissioned wireless RFID (radio-frequency identification) transponders (also known as an “RFID tag”). In the RFID industry and particularly for merchandise tracking applications, the memory bank of an RFID tag is often encoded with an Electronic Product Code (“EPC”), an identifier for an item in the supply chain to uniquely identify that particular item. The EPC can be serialized in a format following an EPC tag data standard. One standard is known as Serialized Global Trade Item Number (“SGTIN”).

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<sup>1</sup> The parties previously agreed to certain stipulated facts in the Joint Proposed Pretrial Order. *See* Dkt. No. 200 at 2-3. Since that time, the Court has issued multiple orders affecting the issues in this case and the parties hereby supplement and agree to these proposed stipulated facts in order to account for the Court’s rulings in those orders.

<sup>2</sup> The parties hereby submit this revised Exhibit A to the parties’ submitted Amended Joint Proposed Jury Instructions provided to the Court’s clerks on April 29, 2021. This proposed Exhibit A would replace the previous “Exhibit A” to those instructions filed in Dkt. No. 293-1 on April 23, 2021.

<sup>3</sup> Avery Dennison has disputed priority and reserves the right to appeal this ruling.

4. Where the SGTIN format is used for item identification, the EPC contains “object class” information and a “serial number.” The “object class information space” includes a reference code, a partition value, and/or filter value, as well as a “company prefix” that identifies the brand owner and an “item reference number” which identifies the class of item offered by a brand owner (which generally corresponds to the UPC or SKU of a bar code). The “object class” section of a SGTIN format uniquely identifies different classes of products sold by a particular brand owner. The combination of an object class number and a serial number provides a unique object number contained in the EPC.

### **C. The Accused Products**

5. Avery Dennison makes, sells, and offers to sell EPC Class 1, Generation 2 UHF RFID inlays to its customers that ADASA has accused of infringing Claim 1 of the '967 Patent.

6. For purposes of infringement, ADASA identified infringing products by “schema” as internally described by Avery Dennison, with all RFID tags encoded using certain schemas comprising the accused RFID tags. More specifically, Avery Dennison encodes the accused RFID tags in accordance with schemas through its service bureaus, and also provides management for its customers to encode the accused RFID tags through its in-plant printing management in accordance with those schemas. Avery Dennison utilizes its PCMate, D2Comm, and Serialization Manager systems to manage the schemas, receive orders, allocate EPC data, and to direct encoding of RFID inlays to create the accused RFID tags using these schemas.

7. Avery Dennison encodes its accused RFID tags in accordance with a schema identified as falling within either of two schema groups: PCTag and Commissioning Authority.

8. The Court has previously determined that the accused RFID tags that use the PCTag schema infringe Claim 1 of the '967 Patent. The schemas that make up this product group appear in the chart below:

<b>PCTag SCHEMA</b>	<b>EPC Type</b>
AD - [mR6] EAN National Brand Schema	SGTIN-96
AD - [mR6] UPC National Brand Schema	SGTIN-96
AD - EAN National Brand Schema	SGTIN-96
AD - UPC National Brand Schema	SGTIN-96
Haggar UPC National Brand [mR6] Schema	SGTIN-96
Haggar UPC National Brand Schema	SGTIN-96
HBC [mR6] UPC National Brand Schema	SGTIN-96
HBC UPC National Brand Schema	SGTIN-96
JCPenney [mr6] UPC National Brands EPC Schema	SGTIN-96
JCPenney UPC National Brands EPC Schema	SGTIN-96
Jones National Brands [mr6] EPC Schema	SGTIN-96
Jones National Brands EPC Schema	SGTIN-96
Kohls [mr6] National Brand Schema	SGTIN-96
Kohls National Brand Schema	SGTIN-96
Macys [mr6] UPC National Brand Schema	SGTIN-96
Macy's MMG National Brand Schema	SGTIN-96
Macys MMG [mr6] UPC National Brand Schema	SGTIN-96
Macys MMG UPC National Brand Schema	SGTIN-96
Macys UPC National Brand Schema	SGTIN-96
Perry Ellis National Brand Schema	SGTIN-96
Perry Ellis [mR6] National Brand Schema	SGTIN-96
PVH [mR6] National Brand Schema	SGTIN-96

PCTag SCHEMA	EPC Type
PVH National Brand Schema	SGTIN-96
Target [mr6] UPC National Brands EPC Schema	SGTIN-96
Target UPC National Brands EPC Schema	SGTIN-96
William Carters [mr6] National Brand Schema	SGTIN-96
William Carters National Brand Schema	SGTIN-96
Woldwindows LLC [mr6] EPC Schema	SGTIN-96
Woldwindows LLC EPC Schema	SGTIN-96

The jury will not be asked to find infringement relative to these products.

9. The Court has previously determined that the accused RFID tags that use the Commissioning Authority schema meet the following elements of Claim 1 of the '967 Patent:

**Claim 1:**

- Preamble: An RFID transponder comprising:
- Element A: a substrate;
- Element B: an antenna structure formed on the substrate; and
- Element C: an RFID integrated circuit chip which is electrically coupled to the antenna structure,
- Element D: wherein the RFID integrated circuit chip is encoded with a unique object number, the unique object number comprising an object class information space and a unique serial number space,

- Element E: wherein the unique serial number space is encoded with one serial number instance from an allocated block of serial numbers, the allocated block being assigned a limited number of most significant bits,

The schemas that make up this product group appear in the chart below:

<b>COMMISSIONING AUTHORITY SCHEMA</b>	<b>EPC Type</b>
MUJI SGTIN-96 Schema	SGTIN-96
GU EPC Schema v2	Non-Standard-96
UQ EPC Schema v1	Non-Standard-96
CDC SGTIN-96 EPC Schema V2	SGTIN-96
Chanel EPC Schema	SGTIN-96
H&M EPC Schema	SGTIN-96
H&M SGTIN-96 EPC Schema	SGTIN-96
Walmart EAN13 PB SGTIN-96 EPC Schema	SGTIN-96
Walmart [ mR6 ] NB EAN13 GCP7 SGTIN-96 EPC schema	SGTIN-96
Walmart PB EAN13 GCP7 SGTIN-96 EPC Schema	SGTIN-96
Walmart PB EAN13 GCP8 SGTIN-96 EPC Schema	SGTIN-96
Walmart PB EAN13 GCP9 SGTIN-96 EPC Schema	SGTIN-96
Walmart PB UPC SGTIN-96 EPC Schema	SGTIN-96
Walmart UPC PB SGTIN-96 EPC Schema	SGTIN-96
Walmart [ mR6 ] NB EAN13 GCPS SGTIN-96 EPC schema	SGTIN-96
Walmart [ mR6 ] NB EAN13 GCP9 SGTIN-96 EPC Schema	SGTIN-96
Walmart [ mR6 ] NB UPC SGTIN-96 EPC schema	SGTIN-96
Walmart NB API SGTIN-96 EPC Schema	SGTIN-96
Walmart PB API SGTIN-96 EPC Schema	SGTIN-96
Walmart [mR6] NB API SGTIN-96 EPC Schema	SGTIN-96

<b>COMMISSIONING AUTHORITY SCHEMA</b>	<b>EPC Type</b>
Walmart [mR6] PB API SGTIN-96 EPC Schema	SGTIN-96
Walmart [ mR6 ] PB EAN13 GCP7 SGTIN-96 EPC schema	SGTIN-96
Walmart [ mR6 ] PB EAN13 GCP7 SGTIN-96 EPC schema	SGTIN-96
Walmart [ mR6 ] PB EAN13 GCP9 SGTIN-96 EPC schema	SGTIN-96
Walmart [ mR6 ] PB UPC SGTIN-96 EPC Schema	SGTIN-96
Walmart NB EAN13 GCP7 SGTIN-96 EPC schema	SGTIN-96
Walmart NB EAN13 GCP8 SGTIN-96 EPC Schema	SGTIN-96
Walmart NB EAN13 GCP9 SGTIN-96 EPC schema	SGTIN-96
Walmart NB UPC SGTIN-96 EPC schema	SGTIN-96

For purposes of infringement, each of these Commissioning Authority schemas operates in essentially the same manner, regardless of the specific length of the sequence of most significant bits employed (i.e., 2 bits, 3 bits, 6 bits, or 14 bits).